M.C.C. Refrance u/s 27 of the M.C. Act.

XI-HC-22

Sub. Category Code.....

Single Bench

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

## आदेश पत्रक

(7)

मामला क्रमांक MCC 155 सन् 2007

Smt Savita & Sons ... विरुद्ध ... Maclean & Co.

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(2) (8)

मामला क्रमांक M.C.C. No- 155 सन् 200 7

आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश |
|---|---|---|
| | **09/05/2007**<br>Shri Akhil Agrawal, Panel Lawyer for the State.<br>The Commissioner for Workmen Compensation, Durg has under Section 27 of the Workmen Compensation Act, 1923 submitted the following question of law for decision by this Court:-<br>"Whether in a case of fatal accident, the application under Section 10 of the Workmen Compensation Act, 1923 could be disposed of on the basis of a compromise dated 15.03.2007?<br>Or<br>Whether in a fatal accident case where the employer has not deposited any amount for payment to the dependents of the deceased workman, the application for compensation should only be decided on merits?"<br>Considering the scheme of the Workmen Compensation Act, 1923 and the provisions contained in Section 8 and Section 28 of the Act, the reference is answered as follows:<br>"In view of the omission of the words "or to a dependant" from Section 28 and the provision of Section 8, in a case of fatal accident, the Commissioner for Workmen Compensation is bound to decide the case on merits and not on the basis of a compromise as filed by the parties on 15.3.2007.<br>Reference is answered accordingly.<br>Sd/-<br>Dilip Raosaheb Deshmukh<br>Judge<br>Kvr | |

GRPRJ — FS/246— 2/2007 — 50,000.